

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE  
APR 15 2005 12:58

DAVID JOSSELYN,  
Petitioner

v.

KATHLEEN DENNEHY  
Respondent

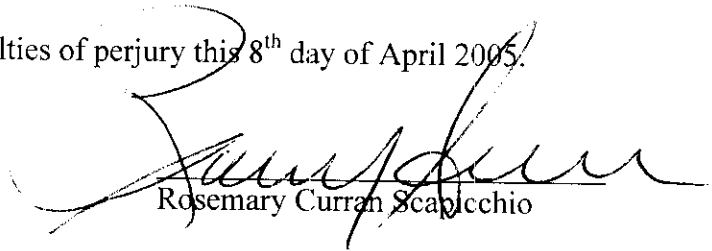
CV # 04-10621-GAO

**AFFIDAVIT IN SUPPORT OF PETITIONER'S MOTION TO EXTEND TIME**

I, Rosemary Curran Scapicchio, do hereby depose and state the following:

1. I am the Attorney of record for the petitioner, David Josselyn, in the above-entitled matter.
2. Petitioner is concerned about the Court's contention that I intentionally waived some of his claims, is evaluating whether to write to CPCS seeking new counsel based on the Court's March 10, 2005 Memorandum and Order.
3. I am evaluating the United States Supreme Court's March 30, 2005 decision on Rhines v. Weber, No. 03-9046.
4. I begin a retrial on a two co-defendant first-degree murder in Suffolk Superior Court on April 22, 2005. The trial is expected to last at least two weeks.

Signed under the pains and penalties of perjury this 8<sup>th</sup> day of April 2005.



Rosemary Curran Scapicchio

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each party and upon any party appearing pro se by first class mail, postage prepaid or by hand delivery.

Dated: 4/8/05 JS